

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:10CR389
)
vs.)
EULOGIO BARRON-VALDEZ,) **MOTION FOR ISSUANCE OF**
) **PRELIMINARY ORDER OF FORFEITURE**
)
Defendant.)

COMES NOW the Plaintiff, United States of America, and respectfully requests this Court issue a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the subject property to the United States.

1. On October 19, 2010, a federal grand jury sitting in this District returned a three-Count Indictment against the Defendant. Count I charged the Defendant with one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1).

2. The Forfeiture Allegation of said Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of \$700.00 and \$251.52.00 in United States currency on the basis they were used or were intended to be used to facilitate said controlled substance violation and/or were derived from proceeds obtained directly or indirectly as a result of the commission of said controlled substance violation.

3. On February 4, 2011, a Change of Plea hearing was held and the Defendant agreed to enter a plea of guilty to Count I and agreed to admit to the Forfeiture Allegation.

4. The Court's jurisdiction in this matter is founded on 21 U.S.C. § 853(a), which provides with respect to any person convicted of a drug violation punishable by imprisonment for more than one year. The Court, in imposing sentence, shall order that the person forfeit to the United States all property described in this subsection.

5. Thus, according to the pertinent statute, the Court must enter an Order of Forfeiture to the United States as against all of the Defendant's interests and assets found to have been acquired, maintained or used in violation of the underlying drug felony statute. Additionally, pursuant to Fed.R.Crim.P., Rule 32.2(b)(3), the Court's Order "authorizes the Attorney General (or a designee) to seize the specific property subject to forfeiture[.]"

6. Upon the issuance of a Preliminary Order of Forfeiture, the United States will provide written notice to all third parties asserting a legal interest in any of the above-described property and will publish notice on an official internet government forfeiture site, www.forfeiture.gov, for at least thirty consecutive days of the Court's Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct, pursuant to 21 U.S.C., § 853(n).

WHEREFORE, the Plaintiff, United States of America, respectfully requests this Court enter judgment of criminal forfeiture by issuing a Preliminary Order of Forfeiture, forfeiting to the United States of America the interest of the Defendant in the property described above, directing publication be made of the United States' intent to forfeit the property, directing written notice be given to all third parties whom the United States knows is asserting a legal interest in the property and ordering

the United States of America to seize forthwith the forfeited property and dispose of it in accordance with the law.

Respectfully submitted,

UNITED STATES OF AMERICA,
Plaintiff

DEBORAH R. GILG
United States Attorney

s/Nancy A. Svoboda

By:

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CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2011, I caused the foregoing to be electronically filed with the Clerk of the Court of the United States District Court for the District of Nebraska by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

s/Nancy A. Svoboda

NANCY A. SVOBODA
Assistant U.S. Attorney